

4395

From: Benjamin Fellowes
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 10:58 a.m.
Subject: CAP submission
Attachments: Constitution Submission BBF.doc

My submission attached, thank you

Submission on New Zealand Constitution & The Bill of Rights

From: Benjamin Bruce Fellowes

Auckland

Email:

Phone:

Question from Submission Guide

Do you think our constitution should be written in a single document? Why?

Answer

Yes a single document. This will make it easier for more people to understand and grasp the full ramifications and protections offered by the constitution. Also this will make the concepts present in the document more physically accessible.

Question from Submission Guide

Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

Answer

Yes it should supersede all previous documents and laws to stop ongoing and costly confusion.

Question from Submission Guide

Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

Answer

The courts because they are the closest thing we have to impartiality.

Question from Submission Guide

Do you think that the Treaty should be made a formal part of the constitution? Why?

Answer

The constitution should supersede the treaty but the treaty should not be included because it is too contentious. The major issues with the treaty should be resolved with the outstanding iwi so we no longer need to rely on the treaty's contentious guidance.

Question from Submission Guide

How should Maori views be represented in Parliament?

Answer

In the same way as every other resident group in New Zealand, in order to move forward we must protect and embrace Maori culture but also understand that the rights of all New Zealanders for representation should now be equal.

Question from Submission Guide

How should Maori electoral participation be improved?

Answer

Make it a compulsory module in high school explaining the advantages of having your say and highlighting the benefits the democratic system has brought to Maori in more recent times at a macro and micro level. Make it as easy and approachable for Maori and indeed all citizens to vote, including advance voting and voting online as soon as practically achievable.

Question from Submission Guide

How should Maori views and perspectives be represented in local government?

Answer

In the same way as all other nationalities who are New Zealand citizens, to break things down further than this will continue to cause wide spread separatism.

Question from Submission Guide

How many members of Parliament should we have? Why?

Answer

A maximum of 100 in order to ensure efficient governance but ensure MPs are 'hungry' for their positions.

Question from Submission Guide

How long should the term of Parliament be? Why?

Answer

4 years, 3 years is too short to enact proper change and the final year before an election is generally a time when no major work is done. Also elections every 3 years lead to frequent economic instability which is inherent in many elections.

Question from Submission Guide

How should the election date be decided? Why?

Answer

Election date can be set by the ruling party, after a minimum of 3 years, with ability to call snap election etc if the ruling party was to collapse.

Question from Submission Guide

What factors should be taken into account when the size and number of electorates are decided? Why?

Answer

The number of electorates should be decided by the number of MPs.

The key factor to draw up the borders should be population base with economic factor such as GDP contribution taken into account.

Question from Submission Guide

What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why?

Answer

A bi-election because their party affiliation, which forms a core component of the reason many people vote for them has changed.

Other Comments

Referendums should be used in situations where less than a set percentage (for instance 60%) of the parliament agree on a major nationwide social issue – for instance smacking, cigarette bans – not military, taxation etc. In such situations when technically feasible we should move to electronic referendums in order to cut referendum costs and speed the feedback speed to the parliament.

Thank you.

End of Submission

3799"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 11:38 a.m.
Attachments: Constitution SubmissionBIF.doc

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Bruce Ian Fellowes Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Auckland Postal Region: Postal Post Code: Postal Country: New
Zealand Submission: Submission Upload: Constitution Submission BIF.doc

Submitted on the 24 July 2013 at 11:37

Submission on New Zealand Constitution & The Bill of Rights

From: Bruce Ian Fellowes

Auckland

Email:

Phone:

Question from Submission Guide

Do you think our constitution should be written in a single document? Why?

Answer

Yes, a single document will make it more readable and accessible promoting more understanding.

Question from Submission Guide

Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

Answer

Yes, it is the country's overriding document that should supersede all prior documents including the Treaty of Waitangi.

Question from Submission Guide

Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

Answer

The Courts - Parliament more often than not makes decisions based on political expediency and short sighted vision. The courts allow challenge and non-political oversight.

Question from Submission Guide

Do you think that the Treaty should be made a formal part of the constitution? Why?

Answer

No, this is not the place for the treaty because interpretations are varied and contentious. Its time to draw a line under the treaty and allow New Zealand to move forward as one.

Question from Submission Guide

How should Maori views be represented in Parliament?

Answer

No different than any other group or citizen in the country – equal rights for all. Democratic rights should not differentiate qualification by “who stepped off the boat first, or second or third”. We are born and die equal.

Question from Submission Guide

How should Maori electoral participation be improved?

Answer

By more education and encouragement – perhaps make it illegal for not registering to vote but to keep the right to vote a personal choice.

Question from Submission Guide

How should Maori views and perspectives be represented in local government?

Answer

All New Zealanders views should have equal weighting irrespective of colour, ethnicity, or creed and therefore need no separate or privileged consideration.

Question from Submission Guide

How many members of Parliament should we have? Why?

Answer

80 – 100 max. which is more than enough for NZ's population. They should be on an “elected” basis only – ie NO LIST MP's.

Question from Submission Guide

How long should the term of Parliament be? Why?

Answer

4 years – 3 year term is not long enough for policies to be implemented effectively. This would also reduce costs.

Question from Submission Guide

How should the election date be decided? Why?

Answer

As a fixed date, reoccurring – not in winter or summer holidays as less turn out. Early November is a good time, e.g. Always the end Saturday.

Question from Submission Guide

What factors should be taken into account when the size and number of electorates are decided? Why?

Answer

The population base and number of MP's.

Question from Submission Guide

What should happen if a member of Parliament parts ways with the party from which he or she was elected? Why?

Answer

A bi election should take place as many people vote a person in because of their party affiliation not who they are.

Other Comments

Laws that may need to be reviewed in future decades because of our changing world should be made “unentrenched”. Members of Parliament should not be allowed so called “conscience “ votes as they are elected by an electorate to promote that electorates views and opinions – that is, to represent their constituents – not themselves. I strongly believe that referendums should have rules, with a very high but attainable participation threshold and subject to review after a period e.g. each election or maybe every 10 years, and that they should be binding as a true reflection of the peoples wishes.

Thankyou.

End of Submission

3795¹¹

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 11:02 a.m.
Attachments: Constitution Submission.doc

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Marguerite Melinda Fellowes Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Auckland Postal Region: Postal Post Code:
Postal Country: New Zealand Submission: Submission Upload: Constitution Submission.doc

Submitted on the 24 July 2013 at 11:00

Submission on New Zealand Constitution & The Bill of Rights

From: Marguerite Fellowes

, Auckland

Email:

Phone:

Question from Submission Guide

Do you think our constitution should be written in a single document? Why?

Answer

Yes, most New Zealanders are not even aware of the constitution, a single document will make it a more readable and accessible.

Question from Submission Guide

Do you think our constitution should have a higher legal status than other laws (supreme law)? Why?

Answer

Yes, it is the country's overriding document.

Question from Submission Guide

Who should have the power to decide whether legislation is consistent with the constitution: Parliament or the Courts? Why?

Answer

The Courts - Parliament often makes decisions based on political expediency.

Question from Submission Guide

Do you think that the Treaty should be made a formal part of the constitution? Why?

Answer

No, this is not the place for the treaty because interpretation are varied and contentious.

Question from Submission Guide

How should Maori views be represented in Parliament.

Answer

No different than any other group or citizen in the country – equal rights for all.

Question from Submission Guide

How many members of Parliament should we have? Why?

Answer

80 – 100 max. which is more than enough for NZ's population. They should be on an “elected” basis only – ie NO LIST MP's.

Question from Submission Guide

How long should the term of Parliament be? Why?

Answer

4 years – 3 year term is not long enough for policies to be implemented effectively. This would also reduce costs.

Question from Submission Guide

How should the election date be decided? Why?

Answer

As a fixed date, reoccurring – not in winter or summer holidays as less turn out. Early November

is a good time.
Continued.....

Page.....2

Question from Submission Guide

*What factors should be taken into account when the size and number of electorates are decided?
Why?*

Answer

The population base and number of MP's.

Question from Submission Guide

*What should happen if a member of Parliament parts ways with the party from which he or she was
elected? Why?*

Answer

A bi election should take place as many people vote a person in because of their party affiliation not
who they are.

Other Comments

Laws that may need to be reviewed in future decades because of our changing world should be
made “unentrenched”.

End of Submission

4983

From: Arthur Felton
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 10:59 p.m.
Subject: CAP submission

no change to our unwritten constitution

3992

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 10:23 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Andrew & Hilary FENEMOR Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Nelson Postal Region: Tasman Postal Post Code: Postal
Country: New Zealand Submission: We favour our existing dispersed constitutional legislation being covered by a relatively simple unambiguous set of principles and a description of our governance system. The process of writing our constitution is better carried out during a period of calm reflection that the type of process being followed in Fiji, Egypt or Ecuador during periods of turmoil. One result could be the revocation of some existing legislation such as the NZ Bill of Rights because it could be included within the Constitution.

If government decides to proceed with a written constitution then there should be a public process for developing it and critiquing options. A referendum could be put in place requiring 60 or 75% of voters support for it to proceed.

We support changing our term of government to 4 years because that allows more consideration of legislation which may take time to fully develop. The Resource management legislative development process, for example, was a good model and fortunately for NZ not so contentious that it was hijacked or changed when a change of government happened in mid-process. If the RMA were being developed today, I doubt the unanimity that prevailed then would now exist.

There have occasionally been legislative changes made under urgency, which require more considered judgement across Parliament. The constitutional review should address the circumstances in which urgency is used, particularly for matters which effectively amount to a change to our unwritten constitution.

NZ's flag should be part of the consideration of this current review: We favour changing NZ's flag to a more recognisably Kiwi one, without the Union Jack in it and preferably with Maori symbolism.. However we do not see a need to remove the monarch as honorary head of state.

Kia ora/Thank you

Submitted on the 28 July 2013 at 22:22

4921

WANAKA,
NEW ZEALAND.

Phone:

Fax:

Email:

July 27th, 2013.

SUBMISSIONS SECRETARIAT,
Constitutional Advisory Panel,
C/o Ministry of Justice, DX SX 10088,
WELLINGTON.

Dear SIR,

May I respectfully make this Submission: That the status quo re an "Unwritten Constitution" remain operative in NZ.

I echo the thoughts contained in the accompanying statements of fellow NZers, especially Joss Miller.

I have misgivings about the balance of the Advisory Panel, and its consequent objectivity. (See reported statements of Sir Tipene O'Regan.)

Thanking you for the opportunity to make this Submission,

Yours sincerely,

(Rev Father) John Brian Fenton.

(4921)

The submitter included the following published material which was removed for copyright reasons:

- **NZ Listener** – date unknown, article title is unclear, may be '*Constitutional Reform*', by Mary Brooks.
- **Otago Daily Times** – 25/7/13, '*An unwritten constitution allows us some flexibility*' by Joss Miller,
 - and '*Written constitution: do we really want it?*' by Alf Berland,
 - and '*Debate on constitution requires binding referendum*' by Brian Taylor,
 - and '*Civil*' views disputed by review panellist' by Mike Butler,
 - and '*Racism*' by John Bell,
 - and 25/6/13, '*Where is middle New Zealand on constitution?*' by David Round,
 - and 17/6/13, '*Opinions sought on constitutional issues*' by John Gibb,
 - and 25/7/13, '*Cartoonists View*' by Tremain

4409"

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 11:30 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: David L. Fentress Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission:

What are your aspirations for Aotearoa New Zealand?

Our society should be one of equality: equal rights and opportunities for all and special privileges for no one. There must be no discrimination against any person based on race, gender, religion or beliefs and no special privileges for any person based on race, gender, religion or beliefs. Within the law, every person should be free to lead their life as they see fit, to achieve that to which they aspire within their abilities and retain the fruits of their accomplishments for use as they see fit.

How do you want our country to be run in the future?

Our country should be run with the minimum possible intervention from our local and national government.

Do you think our constitution should be written in a single document?

No.

Why?

The present system of governance by our elected representatives in Parliament based on common law works well enough. I do not trust any group in our highly politicized society today to write a single-document constitution that would be better than what we have already.

Who should have the power to decide whether legislation is consistent with the constitution:
Parliament or the Courts?

The courts.

Why?

The metaphor of the fox guarding the hen house comes to mind.

Does the Bill of Rights Act protect your rights enough?

No, it could be better.

Why?

It fails to adequately protect property rights. It fails to adequately protect against discrimination based on race, gender or beliefs and to deny special privilege based on race, gender, religion or beliefs.

Do you think the Act should have a higher legal status than other laws (supreme law)?

Yes.

Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts?

The courts.

Thinking of the future, what role do you think the Treaty of Waitangi could have in our constitution?

None. The treaty was useful at the time to enable both British and Maori to be citizens of New Zealand but it is NOT relevant for the future of our country.

Do you think that the Treaty should be made a formal part of the constitution?

Definitely not! It was an agreement between two parties. It was not and is NOT a law. We need to build this country based on equality and get rid of all the many distractions and dissension caused by the "Treaty".

How should Maori views be represented in Parliament?

Like everyone else's views.

How could Maori electoral participation be improved?

Better and non-politicized civic education would benefit all of our citizenry.

How should Maori views and perspectives be represented in local government?

Like everyone else's views.

How many members of Parliament should we have?

Fewer.

Why?

The current large number of MPs is an expensive behemoth for such a small country as ours.

How long should the term of Parliament be?

Three years.

Why?

The relatively short term is the only way the citizenry has to protect themselves from a parliament that is not meeting voters expectations.

How should the election date be decided?

The present system seems to work adequately.

What should happen if a member of Parliament parts ways with the party from which he or she was elected?

MMP should be dumped. That would solve a large number of problems including this one.

Submitted on the 31 July 2013 at 11:29

294

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 10:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Garrv Clifford Ferauson Organisation Name: Email:
 Phone: Postal AddressA:
 Postal AddressB: Postal City: Postal Region: Wellington. Postal Post
 Code: Postal Country: New Zealand Submission: 1.How many members of Parliament should
 we have? Why?

The number of M.P.s should be reduced back to electorate representatives only, (no list M.P.s).
 Probably 90 elected M.P.s at the absolute limit. I feel the current system does NOT give
 representation to the electorate and certainly ceases to hold M.P.s accountable
 to the electorate they were elected to represent.

2.How long should the term of Parliament be? Why?

I feel the three year term is sufficiently long enough for an elected government to show if re-election is
 merited. Any longer leaves too much time for un-popular or un-realistic policies to cause too much
 damage to the country and economy.

3.How should the election date be decided? Why?

The date of election should be set to be within a SMALL window at the expiry of the three year term. It
 may be best to select something like "the first weekend in October" as being the
 prescribed election period every third year. This would lead to political
 stability and opportunism by the ruling party/s at the end of each term.

4.What factors should be taken into account when the size and number of electorates are decided?
Why?

A set population figure to be set as the basis of an electorate and starting at Stewart Island, a paring
 off of an area containing the correct population would be the first electorate. The next electorate
 would be the next adjoining parcel of land containing
 the correct population; and so forth until North Cape is reached.

5.What should happen if a member of Parliament parts ways with the party from which he or she was
elected? Why?

The M.P. concerned should be immediately removed from his electoral role and a by-election called
 to decide his/her successor. The M.P. who resigns from his party is no-longer representing the
 party/values for which he was elected and has now ceased to comply
 with the terms of his policy when elected, contract null and void.

Sent on the 13 April 2013 at 22:52

2949

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 11:16 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Garry Clifford Ferguson Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington. Postal Post
Code: Postal Country: New Zealand Submission: 1.How should Māori views be represented
in Parliament?

As there is now no such thing as a full blooded Maori, very few with any significant content of Maori blood, and a vast number with a small/minute/dubious Maori blood-line, the views of "Maori's" should be represented on the General Role along with all other New Zealanders and immigrants.

2.How could Māori electoral participation be improved?

There should be no special differentiation between people claiming to be Maori's and the rest of the country. All eligible electors in New Zealand should be on the one General Role. If a person of claimed Maori heretage fails to exercise his/her electoral privileges they are in no position to be treated any differently to other people in this country. It is about time the "privileged few" were shown the realities of life and knuckled down like many others (of many differing origins) have had to do to survive.

3.How should Māori views and perspectives be represented in local government?

As there is now no such thing as a full blooded Maori, very few with any significant content of Maori blood, and a vast number with a small/minute/dubious Maori blood-line, there should not be any separate/special representation on any council/group/body given to Maori views and perspectives. Their views should be aired in the same manner as every other person in this country, through general representation.

ONE ELECTORAL ROLE FOR THE COUNTRY AS A WHOLE

Sent on the 13 April 2013 at 23:15

2946

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 11:27 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Garry Clifford Ferguson Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City: Postal Region: Wellington. Postal Post
Code: Postal Country: New Zealand Submission: 1. Thinking of the future, what role do you
think the Treaty of Waitangi could have in our constitution?

I feel the Treaty of Waitangi is an out-dated document that was signed by a minority of the Maori tribes in New Zealand which helped to establish the settlement and social advancement of New Zealand. I feel this document has no place in the Legal, nor Electoral, fields of this country. It is a divisive document that continues to create a 'special' class of New Zealander. The governments of New Zealand down-cried 'Apartheid' for many decades and is now creating the same system in this country.

2. Do you think that the Treaty should be made a formal part of the constitution? Why?

I do not wish the Treaty of Waitangi to become a formal part of a constitution, feeling that our existing laws more than cover our rights and responsibilities. I feel the Treaty of Waitangi is an out-dated document that was signed by a minority of the Maori tribes in New Zealand which helped to establish the settlement and social advancement of New Zealand. I feel this document has no place in the Legal, nor Electoral, fields of this country. It is a divisive document that continues to create a 'special' class of New Zealander. The governments of New Zealand down-cried 'Apartheid' for many decades and is now creating the same system in this country.

Sent on the 13 April 2013 at 23:26

294c

From:
To: <constitutionalreview@justice.govt.nz>
Date: 13/04/2013 11:34 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Garry Clifford Fergusson, Organisation Name: Email:
Phone: Postal AddressA:
Postal AddressB: Postal City Postal Region: Wellington. Postal Post
Code: Postal Country: New Zealand Submission: 1.Does the Bill of Rights Act protect your
rights enough? Why?

I'm happy with the status quo.

2.What other things could be done to protect rights?

I'm happy with the status quo.

3.Do you think the Act should have a higher legal status than other laws (supreme law)? Why?

I do not feel the Act should have a higher status as in some occasions a Bill of Rights condition/term could be seen to be un-fair/immoral, it is not an over-riding Act but an addendum to existing laws.

4.Who should have the power to decide whether legislation is consistent with the Act: Parliament or the Courts? Why?

the courts as they are un-influenced by political desires

Sent on the 13 April 2013 at 23:33

1887

13/6/1813

New Zealand does not
need a written constitution
I strongly oppose any
legislation or reference to
the Treaty of Waitangi
Should not be drafted now
or in the future.

Signed.

1865'

16 June, 2013.

Secretariat
Constitutional Advisory Panel
c/o Ministry of Justice
DX SX 10088
Wellington.

Submission re- 'review' of New Zealand's
constitutional arrangements.

To the Secretariat,

Te Tiriti o Waitangi is generally regarded
as New Zealand's founding document and influences
the relationship between the Crown and Maori.

Te Tiriti o Waitangi is an agreement made between
the British Crown and some Maori Chiefs in 1840.
It confirmed the right to Maori to continue to exercise
rangatiratanga.

Many waka/ships have come to these shores, prior
to Maori and since.

It is time to move forward together, as a nation;
working together to build our nation.

I would ask that:

- there is no reference to Te Tiriti o Waitangi
or its principles in any constitutional document
- that such references be removed from
all existing legislation
- that race-based Parliamentary seats be abolished
- that race-based representation on local bodies be abolished
- that the Waitangi Tribunal be abolished

and

that a binding referendum of voters will decide on any
proposed changes to the Constitution.

Margaret ferriaga M.P.W. Yours sincerely

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Ryan Ferris
Christchurch
New Zealand

3820¹

From: Ngaire Fewtrell
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 2:32 p.m.
Subject: CAP Submission

I dont believe the advisory panel will fairly represent ALL New Zealanders as it has not been fairly established. The Representatives should have been selected on a basis of representation by percentage of the population they represent. This has not occurred it has been GROSSLY over-represented by MINORITIES therefore MUST BE RACIALLY BASED. New Zealands LAWS and CONSTITUTION are not open to this sort of BEHAVIOUR BY ANYONE. ONE LAW FOR ALL with no SPECIAL PRIVELEGES to any one .

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Jessica Fiebig
Christchurch
New Zealand

1637

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 26/06/2013 5:13 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Isabel M.S.Field Organisation Name: Email: Phone:
 Postal AddressA: Postal AddressB: Postal
 City: Auckland Postal Region: Auckland Postal Post Code: Postal Country: New
 Zealand Submission: 1. The New Zealand Constitution should remain as it is, namely unwritten but
 supported by existing legislation. The Courts currently have the power to assess whether legislation is
 consistent with Acts such as the Bill of Rights and the Constitution Act.
 The Treaty of Waitangi should not form part of the constitutional documents but rather remain as a
 Memorandum of Understanding or Statement of goodwill.

2. The Bill of Rights should not be changed but leave the Courts to determine whether legislation is consistent with it.

3. A fundamental tenet of the Treaty is that all New Zealanders are equal. This should mean that one portion of our society should not receive privileges based on racial origins. There are enough safe guards in current legislation for the Maori viewpoint to be heard on matters of concern to their historic and cultural interests. There should be no separate Maori representation in either central or local government as this could lead to a form of apartheid.

4. The number of members in Parliament should not exceed 100 with 75% being elected members---rather than list members. The term should remain at 3 years as we have no safeguard to balance the use of absolute power by the majority in power, and have no Upper House to provide an oversight. If a List member parts ways with their party, they should be immediately replaced as they are unelected members chosen by the Party to represent the Party---not voted on by the electorate.

5. The success of the Westminster system of Government depends on a triumvirate---the legislature, the judiciary and the administration. At present, with the run-down of the public service, both in quantity and quality, the balance has been tipped away from the free and impartial advice that the administration should be giving to the legislature.

6. We should retain our links to the British Crown ---as represented by the Governor General---as an impartial party to our constitutional system. Our country is too small to support a Republican system of government.

Sent on the 26 June 2013 at 17:12

3934

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 1:45 p.m.
Attachments: Submission on NZConstitutional Review - JIF.docx

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Jonathan Iverach Field Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Auckland Postal Region: Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Submission on NZ Constitutional Review - JIF.docx

Submitted on the 28 July 2013 at 13:44

Submission on NZ Constitutional Review

28 July 2013

Checks and Balances - Upper House

In my view, a serious weakness of MMP in its current form is exemplified by the passage, under Governments from either side of the political spectrum, of highly controversial legislation for which there is no true mandate -

- without any, or adequate, public debate,
- without proper investigation,

by the slimmest of margins and on the basis of ad hoc, political arrangements.

This is a threat to the best traditions of our form of democracy. It can also carry overtones, and perceptions, of support being traded for political advantage, perilously close to corruption.

We should develop, once again, some mechanism in New Zealand, such perhaps as an *upper house*, with the power at least to defer, if not veto, highly controversial legislation until it can be shown that the particular measure does have broad community support, or does meet carefully defined 'public interest' criteria.

Parliamentary Term

The term should remain at three years.

If and when the above safeguards are implemented and shown to be working satisfactorily, the term could be re-considered, but only with strong public 'buy-in.'

Threshold Vote and 'Coat-tail' rule

The coat-tail rule, whereby an electorate seat carries a Party, which does not meet the entry threshold, (whether 5% of the party vote as at present or some other level) into Parliament with its number of Members according to its sub-threshold party vote, should be abolished.

It creates disproportionate representation on the basis of the political 'climate' in that electorate.

Waka-jumping

List MPs losing their party affiliation, for whatever reason, or not wishing to remain with their 'Party', should be automatically disqualified from membership of the House unless and until legitimately re-elected. The present arrangement whereby such MPs may choose to remain in the House distorts the representation established by the electorate.

Treaty of Waitangi

The principle of one law for all New Zealanders is fundamental to our constitution. I agree with those who see the Treaty as affirming that principle, but I argue that that principle is already clear within the present constitutional arrangements and should not depend on, or be in any way open to be affected by, interpretation of the Treaty.

The Treaty should not be incorporated into the constitutional structure. To do so would -

- import elements of uncertainty about that fundamental principle;
- create the *appearance* of a separate class of New Zealand citizenship, if not the actuality.

Maori Representation

The separate Maori seats should be abolished. I do not consider that Maori now require separate representation in Parliament. Ample, some would argue excessive, avenues exist throughout our legislation for taking account of Maori viewpoints on matters of significance to Maori. This in itself sets them too much apart from other ethnic groups within our society.

Monarchy

I support continuation of the present constitutional monarchy arrangement, with the Queen as Head of State, acting through Her Governor-General. Some may argue that it is a quaint, out-moded tradition. But it works well and reflects our 'roots'.

* * * * *

312

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 3:14 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Paul Daniel Fielding Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Shirley Postal Post Code: Postal Country: New Zealand
Submission: Firstly reading your provided information Maori seats should never have been
reintroduced. By taking their original purpose which was to provide Maori the opportunity to have a
say in local council and within parliament due to, at that stage not owning
much if any private land. Now in 2013, without access to the recent census totals, it would be
completely relevant to say that hundreds of thousands of Maori people own property.

Secondly is it not against equal opportunity laws to give seats on local councils and within parliament
based solely on race. This is racism and should not be promoted. One class or race of people, black,
white, Asian, islander or any of the many other people
that inhabit this great nation should not be treated with special privilege.

If Maori people wish to represent their respective towns and country then they should be made to run
for office like everybody else.

Sent on the 14 April 2013 at 15:13

312a

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 3:28 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Paul Fielding Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Christchurch Postal Region: Shirley Postal Post Code: Postal Country: New Zealand
Submission: It is my opinion that the Treaty has no relevance in todays society. It should NOT be included in any way shape of form in a constitution that should not be being reviewed in the first place. The Treaty was an agreement where by the tribes of New Zealand ceded all their sovernty to the British crown. It was NOT a Bi-cultural governmental treaty that would allow the tribes to co-govern.

Also while you can continue to believe the lies and mistruths, the Treaty is NOT New Zealands founding document. That would be the introduction of the Bill of Rights and the Constitution act's of the 1950 - 1970's.

The whitangi tribunal should be disbanded as it clearly appears 1 sided when considering any new claim. Take for instance the water and radio waves, the Maori weren't interested in these until it was determined that there was serious money to be made in attempting to statke a claim to them. The Maori didn't even know about the radio wave spectrum until it was discovered and yet they seem to have some mistical claim to it... Hmmm go figure.

Sent on the 14 April 2013 at 15:27

4342

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 1/08/2013 9:20 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Submission: Why are they making new names for the south and north island? Full Name:
Christina Fifita Email:

Submitted on the 1 August 2013 at 09:19

4977

From: "Diana Fiford"
To: <constitutionalreview@justice.govt.nz>
Date: 26/07/2013 9:26 p.m.
Subject: CAP submission

We wish for NO CHANGE to our unwritten Constitution.

Signed; Frank Woodroffe FIFORD and Diana FIFORD.

253

From: .
To: <constitutionalreview@justice.govt.nz>
Date: 12/04/2013 8:05 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Ross Fincham Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Nelson Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: The Treaty of Waitangi is not as relevant to
current day New Zealand as it was when it was originally created. In such a multi cultural society as
NZ now is , the idea of the treaty and its associated " settlements" creates an " us vs
them" type relationship
between people that would associate with particular groups. This is why i do not think that the treaty
should be part of the modern constitution, and that we should focus on a "one New Zealand for
all Kiwis" Regardless of race or ancestry.

Sent on the 12 April 2013 at 20:04

4478'

From:
To: <ConstitutionalReview@justice.govt.nz>
Date: 31/07/2013 7:34 p.m.
Subject: GCSB SUBMISSION

"I submit that there must be established an agency with all the same powers as the GCSB and the SIS, but for the purpose of covertly surveilling and monitoring the activities and communications of the government.


"This agency must be directly responsible to the public, which might be represented by a standing People's Assembly consisting of a suitable number of citizens chosen at random in the same way that a jury pool is assembled, but providing for incremental replacement of members to provide for continuity.

"The main subjects for surveillance by the agency must be those who hold the most power in government, and who therefore have the most potential to cause harm to our State. So this would primarily include the Prime Minister, Cabinet members, and Caucus, but would also include of course any high ranking public officials in both the executive and judicial branches of government.

"I thank the Panel for this opportunity to contribute my views, and I would like to indicate that I would certainly take the opportunity to speak to my submission if the Panel will be hearing oral submissions from the public."

Best Regards
Gary Findlay

2313

From:  Kelvin Findlay
To: <constitutionalreview@justice.govt.nz>
Date: 3/07/2013 5:18 p.m.
Subject: CAP Submission

The Maori seats should be retained for as long as the Maoris want them.

Getting rid of the Maori seats should be decided by the Maoris not the rest of us.

When the word Maori is used in an English sentence then the English rules apply and the plural is Maoris.

In a sentence written in Maori then the plural is Nga Maori.

Simply dropping the letter 's' can turn an English sentence into ambiguous nonsense unless the context makes the meaning clear.

There are people who say that the letter 's' does not exist in Te Reo Maori but in modern Maori it does.

If you ever come across someone who tells you the letter 's' does not exist in the Maori Language then ask them to translate the following English sentence into Te Reo Maori :

"There is no letter 's' in the Maori language."

K M Findlay.

3868

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 25/07/2013 11:24 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: kaye findlay Organisation Name: Private Person wanting to share values from others who will not be able to do this themselves but speak about it often with me. Email:

Postal AddressA: Postal AddressB: Postal City: Paraparaumu Postal Region: kapiti coast Postal Post Code: Postal Country: New Zealand Submission: We are not happy with several things that are happening to our country. This is now moving towards a third world country with the ideals of only the rich getting rich and the poor going below poverty line. Whoever heard of NZ having to feed and clothe

children so that they can go to school. One stop Auckland super city only for a bad person with decisions taking charge. Only way to stop all Aucklands problems is to share around the businesses to smaller places (lots could do this with call centres etc).

We ACTUALLY send these call centres to the philippines taking with it hundreds of jobs and making auckland too expensive to live in. Take back the share approach to begin with and it would stop us having to pay all the money out to one place B.... Auckland.

The other thing is the lies that the politicians tell Most of them even those who I actually felt were honest. They have sold out to National for their own cause. Money nothing more nothing less. John Key has told the most lies I have ever heard of just

lateley and has not been able to cover himself. He is saying go get work... hahahaha there is no work for those who he has not paid enough to train. I am old now with fight gone out of me but I see what is happening to the youth and cry for them. New Zealand

for the sake of the truth please follow me and say what needs to be said. As for the maori party we are all new zealanders. no person is any different than another. they came and took from others to begin with why should they be recompensed for that. I

hate to say I am a NZ citizen now when my own family have to go live in another country to have a life.

Mrs KT Finlay

Submitted on the 25 July 2013 at 11:24

3525

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 12/07/2013 10:33 a.m.
Subject: [RELEASED FROM QUARANTINE] [SUSPECT SPAM]
http://www.ourconstitution.org.nz/form_submission
Attachments: Submission to theConstitutional Conversation.doc

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Mike Finlayson Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Kaitaia Postal
Region: Far North Postal Post Code: Postal Country: New Zealand Submission:
Submission to the Constitutional Conversation

Mike Finlayson

The Treaty of Waitangi and the Bill of Rights need to be intrinsic in the single constitutional document that would guarantee and protect the rights of both all New Zealanders AND indigenous biodiversity, in the form of native flora and fauna, and the places they exist.

.In other words the Consitution should guarantee the rights of the 'whole of New Zealand'. Humanity's rights and natures rights need to be able to coexist with humanity respecting their obligation to protect the natural heritage we have inherited.

Maori seats should be retained and 'civics' taught in school to encourage participating in democracy at all levels by all peoples that are NZ citizens or residents .

MMP should be retained in a form much like that in which currently exists. The rights of minority groups to direct parliamentary representation should be enhanced by any form of MMP and this should be entrenched within the Constitution.

Parliament should consist of a single House with the same or less number of constituents per MP and the number of List seats to coincide with the present ratio of constituency seats. The term of Parliament should remain at three years.

The date of a normally occurring election should be a set date, elections called because of a

If a Member has been elected to represent an electorate then, if that MP parts from their Party they SHOULD be entitled to remain in Parliament. Conversely, if they are on the List for a Party they should be compelled to relinquish their seat.

Submission Upload: Submission to the Constitutional Conversation.doc

Sent on the 10 July 2013 at 19:16

Submission to the Constitutional Conversation

Mike Finlayson

The Treaty of Waitangi and the Bill of Rights need to be intrinsic in the single constitutional document that would guarantee and protect the rights of both all New Zealanders indigenous biodiversity, in the form of native flora and fauna, and the places they exist

.In other words the Consitution should guarantee the rights of the 'whole of New Zealand'.

Maori seats should be retained and 'civics' taught in school to encourage participating in democracy at all levels by all peoples that are NZ citizens or residents

MMP should be retained in a form much like that in which currently exists. The rights of minority groups to direct parliamentary representation should be enhanced by any form of MMP and this should be entrenched within the Constitution.

Parliament should consist of a single House with the same or less number of constituents per MP and the number of List seats to coincide with the present ratio of Constituancy seats. The term of Parliament should remain at three years.

The date of a normally occurring election should be a set date, elections called because of a governments inability to secure a majority, should be decided by all Partys represented in Parliament.

If a Member has been elected to represent an electorate then, if that MP parts from their Party they SHOULD be entitled to remain in Parliament. Conversely, if they are on the List for a Party they should be compelled to relinquish their seat.

The Bill of Rights needs a complete overhaul, along with our criminal code and judical system. Relying on the Adversitorial Court should be abandoned. Citizen and Indigenous Biodiversity rights needs to be strenghtened and entrenched, far from the influence of politicians. There should be the power to add additional rights but not to recind existing ones. Our Supreme Court should be the final arbitor to decide whether legislation is consistant with the Constitution.

1095

From:

To: <constitutionalreview@justice.govt.nz>

Date: 5/06/2013 2:37 p.m.

Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Marilyn Finn Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Auckland
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
The Treaty of Waitangi should not be the base document for nz Constitution.

Sent on the 5 June 2013 at 14:36

887

From:
To: <constitutionaireview@justice.govt.nz>
Date: 21/05/2013 2:41 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Name: Nancy Pamela FINN Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Bay of Plenty Postal Post Code: Postal Country: New
Zealand Submission: The Treaty was signed 173 years ago. Time to look ahead as one people
one Nation. Not as Maori & Pakeha. One people regardless of ethnicity no special treatment. All
being dealt with fairly under the Common Law & Civil rights.

Sent on the 21 May 2013 at 14:40

1669 11

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/06/2013 2:40 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: David John & Sunit Kaur Finney Organisation Name: Email:
Phone: Postal AddressA: Postal
AddressB: Postal City: Tauranga Postal Region: Bay of Plenty Postal Post Code:
Postal Country: New Zealand Submission: We are citizens of New Zealand, not "Aotearoa New Zealand". We are of British and Indian origin and are proud to have made New Zealand our home. Our present Constitution – unwritten – has served us well for the last 160 years; the British Constitution, on which ours is based, has served for more than 1000 years. There seems to be no urgent need to change things, if indeed at all.

Our current governance arrangements comprise:-

- a constitutional Monarch who gives assent to legislation,
- an elected mono-cameral sovereign parliament, which enacts legislation,
- a judiciary which administers that legislation and dispenses justice based on the will and intent of parliament, and Common Law.

This arrangement provides balance and a degree of control on executive power. The voters have their say every three years.

Should the Constitutional Review Panel decide that a written constitution is desirable, it will inevitably decide that it should be based on the Treaty of Waitangi, or rather the "principles" of the Treaty. That the scope and application of these principles is contentious is beyond doubt. The Treaty is a simple document, written for the simple folk of that time and states, in brief, that all New Zealanders have equal rights as subjects of the Monarch.

If the Treaty is written into the Constitution, it becomes prime, over-arching law, above all other legislation. It will imply a "partnership" between the people and the Crown, which is a logical nonsense, given that we are all subjects of the Crown. It will equally constrain the sovereign parliament's ability to enact meaningful legislation, everything else having to be subordinate to the Treaty. Finally, it will lead to interminable litigation to define, word by word, phrase by phrase, what the Treaty "principles" says about any given issue and subject. This will greatly increase the influence on the governance of the country by the judiciary - a body that is neither elected nor accountable.

A written constitution – and certainly one based on the Treaty of Waitangi – is therefore a very bad idea and will have dire consequences for New Zealand. It is likely to impede the nation's progress and be retrogressive.

Should the proposal proceed, it must only be passed into law with the assent of the people by winning approval through a binding referendum.

If you seek to make meaningful and useful changes to our governance arrangements, we would be grateful if you would consider reinstating a bi-cameral parliament.

David John Finney & Sunit Kaur Finney.

Tauranga

Sent on the 27 June 2013 at 14:40

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 27/07/2013 3:27 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Natasha Firth Organisation Name: Email: Phone:
 Postal AddressA: Postal AddressB: Postal City:
 Wellington Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
 Submission: I think our unwritten constitution is working well for us. I don't see any need to enshrine the NZ Bill of Rights in the same way that the American constitution comes above any other law of that country. I think that the New Zealand government does well to uphold and protect people's human rights generally.

However, if there was a written constitution, I'd like to see the Treaty of Waitangi enshrined as our founding document, so that the rights of Māori cannot be overlooked by any government of the day.

As a NZ European/Pakeha/Kiwi I find the principles and spirit of the Treaty to be as relevant today as they were in 1840.

The naivety and ignorance of those who think it should be brushed aside, or that think it has no relevance today, never ceases to astonish or disappoint me. I think better education about our past in schools would help with this. Certainly understanding our own past failings as a nation, with a view to not repeating them, should be a priority for the NZ curriculum.

Better education for all children in NZ schools is required. This will allow future generations to understand our history, the relationship between Māori and the Crown, as well as the reasons why Māori representation and specific support services for Māori are our collective responsibility. Also, to educate children to have a better understanding of tikanga Māori, and the real benefits operating in a collective society, rather than an individually centric society, has to offer - particularly in today's ever-changing world.

I support the Māori roll, and Māori representation.

I support MMP, certainly in favour of First Past the Post. However, I hold the firm opinion that Party List MP's who leave their Party should NOT be allowed to stay in parliament and should be forced to resign as MPs.

If I.T. security risks are overcome, I support e-voting.

5033

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:59 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Jimmy Fisher Email: Phone: Postal
AddressA: Postal City: Waipukurau Postal Region: Central Hawkes
Bay Postal Post Code: Postal Country: New Zealand Submission: I believe NZ does
not need a written constitution, the country runs well without one, if it not broken don t meddle with it.

We do have documents which provide our govt.with guidance and we could be seen as a constitution. Whilst I accept the Treaty of Waitangi as a basis of our society, I do not accept that the Principles of the Treaty is widely understood or accepted by the majority

of our peoples and therefore should not be included as a guiding document.

I have serious concerns that to have a written constitution where all legislation must be viewed in the light of the T.O.W and the principles of the T.O.W would be hugely divisive and could create major problems between Maori and non-maori.

This government made no mention of a written constitution in its election manifesto and having previously voted for them, would certainly not for them again.

I have real concerns that there has been little transparent discussion about the proposal for the W.C. and makes me wonder who is the driving force behind the idea.

To conclude definitely NO to the idea unless there much greater open discussion about the idea

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 2:59 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Postal City: Waipukurau Postal Region: Central Hawkes Bay Postal Post Code:
Postal Country: New Zealand Full Names: Jimmy Fisher Organisation Name: None Email:
Phone: Postal AddressA:
Submission: I believe NZ does not need a written constitution, the country runs well without one, if it
not broken don,t meddle with it.

We do have documents which provide our govt.with guidance and we could be seen as a
constitution.Whilst I accept the Treaty of Waitangi as a basis of our society, I do not accept that the
Principles od the Treaty is widely understood or accepted by the majority
of our peoples and therefore should not be included as a guiding document.

I have serious concerns that to have a written constitution where all legislation must be viewed in the
light of the T.O.W and the principles of the T.O.W would be hugely divisive and could create major
problems between Maori and non-maori.

This government made no mention of a written constitution is it's election manifesto and having
previously voted for them, would certainly not for them again.

I have real concerns that there has been little transparent discussion about the proposal for the W.C.
and makes me wonder who is the driving force behind the idea.

To conclude definitely NO to the idea unless there much greater open discussion about the idea

221

From: [redacted]
To: <constitutionalreview@justice.govt.nz>
Date: 11/04/2013 9:20 p.m.
Subject: http://www.ourconstitution.org.nz/form_submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Jenna Fisher Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: Ashhurst Postal Region: Postal Post
Code: Postal Country: New Zealand Submission: The role the Treaty of Waitangi has in our
future constitution is very little. The purpose of the Treaty of Waitangi was to create a set of rules for
Maori and Pakeha to live by in peace and harmony in a developing country that the Maori claimed
was theirs
when European settlers arrived on the shores of New Zealand, now 173 years later it is outdated and
is doing nothing but creating issues where Maori get whatever they want and European New
Zealanders are being walked all over. This country has racial issues
and most Pakeha are too scared to stand up for their rights.

If we set up a Pakeha Rugby Team there would be outrage; or if we had customary rights to take
what we want from the sea there would be protests..it is time that New Zealand became one country,
one set of rules for all citizens in this Country, no separate
rules just because you have maori blood in your veins. By all means recognise the culture and rich
history of the Maori and Pakeha ways, recognise the history and relevance of the Treaty of Waitangi
but also recognise that we are all in New Zealand because
this is where we were born and where our ancestors called home, it is about time we all became New
Zealanders, not Maori or Pakeha. It is time to look forward to a better New Zealand for the future not
look at the past, it is now 2013 yet New Zealand is still
honouring a document that was signed in 1840.

Take the Treaty of Waitangi out of the picture and you will stop racism, one set of rules for all New
Zealanders.

Sent on the 11 April 2013 at 21:19

1506

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/06/2013 2:03 p.m.
Subject: CAP submission

With respect to the "Constitution Conversation" .It points out interesting facts.But I do not want to make any changes.
P.J.C.Fisher

Cambridge.

2446

From:
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 8:47 a.m.
Subject: CAP Submission

~~Abolish Maori Seats.~~
Roy Fisk

1683

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 9:53 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Albert Fitisemanu Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: AKL Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: A constitution is a foundation document that outlines the fundamental ideologies, values and concepts that a country is founded on and I believe it should be contained in ONE document to avoid mis-interpretation of it in future years and generations. The Treaty of Waitangi was mis-interpreted because it was documented in 2 languages and documents. We need to avoid this as we know what has happened because of this.

The courts should be responsible for upholding the integrity of this document and its contents, and only through judicial process and democratic means can it be changed or ammended.

Sent on the 28 June 2013 at 09:52

1683a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 10:15 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Albert Fitisemanu Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: AKL Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 1. I think the B.O.R protects all people in NZ regardless of citizenship or ethnic origin. It ensures that no matter who you are, whether a law abiding citizen or otherwise, that we ALL have rights under the laws that govern our country.

2. By enacting more legislation on behalf of children and TOUGHER penalties for the abuse of the more vulnerable in our society (children, disabled, immigrants, and elderly) we can move towards protecting them more efficiently.

3. I definitely think that human rights supercede other laws in that the penalties for violating some laws that do not involve human rights violations incur a tougher penalty than those that don't? How is this possible?

4. Again, I feel that the courts need to be able to protect and uphold the integrity of these laws and those that violate them be held to a HIGHER accountability. We cannot entrust these most important basic human rights to a governing body that is dysfunctional 90% of the time.

5. The right to reasonable habitation (housing) is a basic and fundamental right that is violated so much because of corporate and individual greed. Everyone deserves the right to a place to live as a basic need (Maslows model) just as much as we need air, water and food.

Sent on the 28 June 2013 at 10:14

16836

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 10:24 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Albert Fitisemanu Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: AKL Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: 1. The Treaty and the constitution are similar yet different documents of establishment. They however need to be complimentary. The Constitution encompasses all of the foundation elements that support the moral and ethical fibre of a country and the Treaty compliments it by addressing and RECOGNISING the "INDIGENOUS RIGHTS" of the first peoples (Maori) and their voice in the evolution and direction of the country.

2. The Treaty NEEDS to be law and formalized as part of the constitution where one cannot exist without the other. They are foundation "co-existing" documents and need to be articulated such that they do not compromise nor conflict with each other. They need to "compliment" each other in their entirety.

Sent on the 28 June 2013 at 10:23

1683c

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 28/06/2013 3:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Albert Fitisemanu Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City: AKL Postal Region:
Postal Post Code: Postal Country: New Zealand Submission: 1. As the indigenous people of this land, Maori voice should be paramount in decisions relating to land and immigration. Maori voice needs to be more prevalent in Parliament in a united front and respected as such.

2. For Maori to be more involved in the voting process, there needs to be an awareness of the voice of Maori in politics, and Maori need to work towards a more "united front" so that indigenous people see they are working together, thus they are more likely to support issues pertaining to their people.

3. Maori views should be presented first and foremost and honoured as such, and then debate on these issues can take place.

Sent on the 28 June 2013 at 10:01

881

From:
To: <constitutionalreview@justice.govt.nz>
Date: 21/05/2013 9:14 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: John and Susan Fitzgerald Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Postal Region: Hawkes Bay Postal Post Code: Postal Country: New
Zealand Submission: 1. Abolish the absurdity of our head of state living on the other side of the
world. Declare a republic with a NZer as head of state.

2. Every NZer to have a single vote on a common role without any apartheid type segregation.

Sent on the 21 May 2013 at 09:13

2963

From: Michael Fitzgerald
To: "constitutionalreview@justice.govt.nz" <constitutionalreview@justice.govt.nz>
Date: 10/07/2013 9:58 a.m.
Subject: CAP Submission

Please abolish the Maori seats. If not then you must allow other nationalities to form their own parties.

Michael FitzGerald

2543

From: "Terry Fitzgerald" <terry.fitzgerald@justice.govt.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 12:19 p.m.
Subject: CAP Submission

I would like to see the abolition of Maori Seats.

In a nutshell One country, one people, one vote.

The sooner we start talking and thinking and acting as one country the sooner we will see peace and harmony between all New Zealanders.

At the rate we are going we are splitting the country apart and going nowhere fast !!!!!!!

Yours sincerely, Terry Fitzgerald

Terry Fitzgerald mnzitt

Auckland

1267

From: : FitzPatrick"
To: <constitutionalreview@justice.govt.nz>
Date: 12/06/2013 9:47 a.m.
Subject: Constitution Submission

Orewa

Dear Sir/Madam,

I would like to make a submission to the Constitution Conversation:

I believe that the number of Members of Parliament should be limited to a maximum of 100.

And I believe that our land should not be sold to foreigners, it should be leased for a finite length of time.

Thank you.

Yours sincerely,

Patricia FitzPatrick

1267a
From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:42 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Patricia FitzPatrick Email: Postal AddressA: 1
Postal AddressB: Postal City: Orewa Postal Region:
Hiruhirakahi Coast Postal Country: New Zealand Submission: I believe the number of Members of
Parliament should be limited to a maximum of 100.

I believe that our land should not be sold to foreigners but should be leased for a finite time.

Submitted on the 12 June 2013 at 09:37

1210

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 1:25 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Bryan Flanagan Organisation Name: None Email: : Phone:
Postal AddressA: Postal AddressB: Postal City: Postal
Region: Postal Post Code: Postal Country: New Zealand Submission: Firstly, I
oppose New Zealand having a written constitution, because there is too much chance of undesirable
rights being enshrined in that constitution.

Secondly, if New Zealand does end up with a constitution, I submit that the constitution should be
completely devoid of any matters relating to race. There should be no discrimination, either positive or
negative, based on the racial origins of New Zealand
citizens. Similarly, there should be no reference to The Treaty of Waitangi, or any prior or subsequent
treaties between Maori and other groups enshrined in a New Zealand constitution.

Thank you for the opportunity to submit.

Sincerely

Bryan Flanagan

Whakatane.

Sent on the 9 June 2013 at 13:23

3804

From: -
To: <constitutionalreview@justice.govt.nz>
Date: 24/07/2013 12:23 p.m.
Subject: CAP Submission

I would like to state that the parliament of this country should be based on fairness and not indulging one race over another. The Maori seats (race based) have long been a redundant part of Parliament. The Treaty does not give anyone the right to a free ride. Maybe a century ago they were necessary BUT Maori are no long uneducated and most of the talk of what the treaty mean is mythical in this day and age.

The joint agreements which Maori is now wanting to help govern the country are garbage. They as well as anyone else are very capable of standing for power and being voted for by the electorate. Why should any group be granted free passage, paid and do very little or nothing.

Please let our beautiful country become "one people" - "one country" - if it remains as is, we shall be heading to the realms of great racial discontent.

K M Flanagan
Northland.

1219

From:
To: <constitutionalreview@justice.govt.nz>
Date: 9/06/2013 4:22 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>

Full Names: Mike Flanagan Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB Postal City:
Christchurch Postal Region: Canterbury Postal Post Code: Postal Country: New
Zealand Submission: Over the past 150 years, NZ has developed into a multicultural society with
most races and cultures represented amongst its citizens. While acknowledging the Treaty of
Waitangi as a significant starting point in the country's pathway, to continue to look
backward would stifle the ability of New Zealand to maintain or grow its position in the world.

We need to acknowledge the current mix of population and the part that each plays as part of a
cohesive whole to maximise our collective contribution to our country's progress.

Just as each individual develops from birth by adapting to the changes he or she encounters on life,s
pathway, so too New Zealand needs to move forward and grow. If we continue to return to or focus on
one place, time or document to he exclusion of all of the
other cultural riches withinour society, we will remain in limbo and get left behind by the rest of the
world.

Sent on the 9 June 2013 at 16:21

5106

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 3:45 p.m.
Attachments: My aspirations for NewZealand.doc

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Shamus Flannigan Email: Phone:
Postal AddressA: Postal City: Auckland Postal Region:
Auckland Postal Post Code: Postal Country: New Zealand Submission Upload: My
aspirations for New Zealand.doc

Submitted on the 16 June 2013 at 15:57

My aspirations for New Zealand/Aotearoa

I would prefer a more separate, non aligned future even at the expense of what constitutes "economic prosperity". We could develop our own country and be separate as an island nation and try to develop our own strategies for future survival and independent prosperity. This may mean developing a strong individual identity as a nation with a strong defence capability. As an independent economy we could have the freedom to develop new strategies and ways of manufacture and distribution. I'd like us to be able to become a special trading nation perhaps make all our farms organic, or at least some identifiable sustainable difference. This is harder if we keep signing up to international treaties with trading nations that will resist our independence. I'd like a nation where we have social justice goals built in to our society. We used to have less disparity between richest and poorest people, and I'd like us to return to that. There is no need for people to have big differences in wealth. Having said that, as a materialistic person, I believe we should also create opportunity for making wealth in a sustainable and creative way.

I would like to see Nzers develop the concept of bi-culturalism so that we accept two indigenous and separate cultures, Pakeha and Maori as special to this nation. All other cultures have a home base somewhere else, but the Maori and the fledgling Pakeha cultures are indigenous to NZ. Therefore I feel our future nation framework should protect both cultures and regard them as special.

4438

From: "Mike"
To: <constitutionalreview@justice.govt.nz>
Date: 28/07/2013 10:08 p.m.
Subject: Constitution Review Submission
Attachments: What are your aspirations for Aotearoa New Zealand.pdf

Attached Is my contribution to the review.

Thanks

Mike Flavell

Submission re The Constitution Conversation

From Mike Flavell,
28 July 2013

- **What are your aspirations for Aotearoa New Zealand?**

Aotearoa New Zealand is a relatively young country by comparison with many other parts of the world. That youthfulness can be our strength – using courage to do things differently (especially through our moral stance eg nuclear free and use of technology eg wind farms), resourcefulness to meet our own needs (support our many number8 wire initiatives), and smallness to create a unique environment (our population is too small to sustain large scale operations).

Large organisations eg Fonterra are fine but not at the expense of small businesses which engage the majority of our population and build well-being for the population. Specialisation as an outcome of so-called free trade should be carefully weighed up against job losses to off-shore with lessons learnt from Greece and Ireland (to name but two other small countries).

We need to identify our uniqueness's and build on these. One such uniqueness is the Treaty of Waitangi where both European and Maori ancestors saw a better future where differences were celebrated and where both traditional and exploitative cultures worked together.

The point of the Treaty of Waitangi is not to recultivate and recreate history but to use the Treaty to focus on our conjoined future. With settlements completion on the horizon this is imperative – a marriage doesn't end with the marriage ceremony, it begins in a new way. So with the Treaty.

The two key emphases of our state/taxes need to be health and education. Both of these enhance well-being and increase future choice. Clear leadership needs to be exercised in both these areas. The loss of enthusiasm for life amongst young people and the inability of the education system to address this is cause for a serious rethink of adolescent schooling practices.

The well-being of our population as a whole needs to be considered and while sport and other cultural foci serve this end, it is clear that alcohol does not. NZ often displays itself like an adolescent abusing alcohol with no wish to make any change. Alcohol, like gambling, is leading our next generation into an entertainment-based shallow-outcome future.

Our society's reluctance to value the aged is a good example of why we need to rethink the growth journey for adolescents and provide something greater than the drugged weekend goal for our young people as at present. We need to find out how to harness the power and wisdom of our aged population.

- **How do you want our country to be run in the future?**

Democracy is at the heart of NZ politics. However the two party system still rules despite MMP. NZ's inherited ideology that conflict between two dominant parties provides better decisions seems very limited and lacking in wisdom.

The hope of MMP was sound and should be continued with. This pre-empts the need for separate Maori political structures although in light of history there should be a minimum of 15% of Parliamentary seats allocated for Maori representation for the next 25 years.

The power of the Executive needs to be constrained and decisions made accountable and NZ can explore options to achieve this. The role of the judiciary/courts should not be subservient to Parliament but on equal standing. The Judiciary need to be able to hold Parliament to account.

In response to the terms of reference

- A written single document constitution – yes.
- Role of Bill of Rights – Yes, parts of it need to be there. Be nice if “responsibilities” could be there too.
- Role of Treaty – the Treaty is what makes NZ unique. It needs to be in the Constitution. We need to think about what a post-settlement Treaty could look like. NZ is still an immigrant nation – we all came here from somewhere else – only the timing is different.
- Maori views in National/local government – in the Settlement and post-settlement era NZ should reserve 15% of positions for Maori for the next 25 years or so.
- Parliament – 100 seats MMP not two party. All MP’s to undergo education and training and if fail then become not eligible to represent NZ. Term of parliament to be either 3 or 4 years.

Thank you for the opportunity to comment on these matters.

Mike Flavell M.Ed(coun) B.Theol MNZAC

1156

From: <
To: <constitutionalreview@justice.govt.nz>
Date: 7/06/2013 8:04 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Warren Desmond Flay Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal
City: Dubai Postal Region: Postal Post Code: Postal Country: United Arab Emirates
Submission: I do not want the Treaty of Waitangi to be the basis of any constitution in New Zealand.
I do not want New Zealand to have a 'constitution' at all. I want New Zealand to be a place for New
Zealanders, not Maori and 'Others'.

I do not think the Treaty of Waitangi should be a formal part of any constitution should such a document ever be created. The Treaty is merely a historical document reflecting the times in which it was written and the people who signed it. It has no relevance to us today and New Zealand is uncompetitive on the world stage as it is, it does not require further impediment such as being seen as the home of the new apartheid. New Zealand 2020 needs to be thinking outside the box, not creating a new box to hide inside.

Sent on the 7 June 2013 at 20:03

4765

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 3:21 p.m.
Attachments: Submission to theConstitutional Advisory Panel.doc

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Allen Keith Fleming Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Hamilton Postal Region: Waikato Postal Post Code: Postal Country: New Zealand
Submission: Submission Upload: Submission to the Constitutional Advisory Panel.doc

Submitted on the 31 July 2013 at 15:20

Constitutional Advisory Panel
Wellington

Submission to the Constitutional Advisory Panel

This is my personal submission. I oppose the need to introduce a constitution for New Zealand, especially one that incorporates The Treaty of Waitangi or its "principles".

1 Parliamentary term and representation

1.1 The length of the term of Parliament

With just two exceptions over the past 70 years, minimum Parliamentary terms are effectively 6 years with governing parties elected for a second term after just three years. I support a 4-year term because it should provide greater stability, allowing governing parties to better implement their policies and prove their competence to earn another term.

1.2 Maori representation including the Maori Electoral option

The Maori Electoral Option has its origins in land ownership or tenancy as a prerequisite for a voting franchise, originally introduced to enable multiple owners of Maori land to exercise their democratic right. With universal suffrage, there is no justification for retaining this anachronistic electoral option. It has become an institutionalized racially-discriminated option without which Maori mistakenly claim they would be disempowered.

Its basis is a flawed and an increasingly insignificant census question that considers anyone with vestigial Maori ancestry, no matter how small, is counted as Maori when they themselves would not necessarily consider that as their ethnicity.

Recognition and preservation of Maori cultural values does not require separate Maori seats. MMP has facilitated Maori representation through their own and related political parties. Accordingly, I see no justification to retain the separate Maori electorates. Their abolition would require a new formula for deciding the number and size of electorates. Any change in the number of electorates also raises questions about the number of list MPs and whether proportional representation can be achieved with fewer list MPs.

For local government, polls show there is little public support to introduce or retain separate Maori seats. Maori can be elected on their own right. It is antidemocratic to allocate seats for non-elected representatives.

1.3 Electoral integrity legislation

I favour the re-introduction of electoral integrity legislation. Without electoral integrity, there is a risk of losing the representative proportionality defined by an election. This could lead to corruption of the political system.

2 Constitutional Issues

2.1 Written constitution

I favour the retention of our present constitutional arrangements that consist of statutes, conventions and common law rights that collectively set out the rules by which we are governed. Perhaps foremost is the Bill of Rights. Our constitutional arrangements can be changed by our elected Members of Parliament, who have the ultimate law-making power subject to the judgements of the electorate.

A formal constitution, once written, would establish a rigid framework, surrendering parliamentary sovereignty to its interpretation by our courts. For this reason, I oppose a written constitution that will forever lock our nation into an inflexible straitjacket, subject to jurisdiction beyond our elected representatives..

2.2 The role of the Treaty of Waitangi in our constitutional arrangements

I strongly oppose introducing the Treaty of Waitangi and its ill-defined "principles" into our constitutional arrangements. It would bring ambiguity that would forever be subject to legal challenge and interpretation by unelected judges.

As our founding document, the Treaty served its purpose for that era and for righting past injustices in our current time. However, New Zealand is already witnessing a racial disconnect through the Waitangi Tribunal and its determinations. The Treaty has been distorted so far beyond its original form that embedding it into a constitution would inevitably result in a racially-divided nation. Perhaps worst of all is the falsehood that it conveys "partnership" between Maori and the Crown – the exact opposite of clause 1 in the Treaty that Maori ceded sovereignty to the Queen. Contemporary interpretations of the Treaty are now locking us into the past. We need to look forward, not backwards.

2.3 Equality, not separatism

Other nations, like South Africa and the southern USA, have fought for racial equality, but New Zealand seems to be doing the opposite, working towards a racially divided nation. It may, as Rowan Williams, the former Archbishop of Canterbury said on his 2012 visit here, be a "brave, creative experiment in living together in difference". But, I suggest, one doomed to fail if a Treaty-based constitution is established.

It is a sign of maturity that we recognise cultural diversity. Equality does not imply assimilation into a mono-cultural formula, nor extinguishing ethnic values. Rather, it should guarantee that the many cultures that now characterise our nation all have their rightful place to be seen and valued.

If there is to be a constitution, it must embrace the concept of democracy, where all citizens have the same rights, live under the same law and vote on the same role. Notwithstanding my opposition to a written constitution, it is imperative that any decision relating to its establishment must be subject to a binding referendum.

Keith Fleming

New Zealand Citizen

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Gail Fleming
Auckland
New Zealand

4210

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 3:42 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Alison Irene Fletcher Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB: Postal City:
Picton Postal Region: Marlborough Postal Post Code: Postal Country: New Zealand
Submission: Constitution – NEED for environmental rights to be included.

It is notable that in the four decades since the global Stockholm Declaration (1972) stated that

‘ Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations ‘

the majority - 177 of the 193 - United Nation member nations (in 2012) have recognised this within their constitutions.

It is shocking that New Zealand has failed to do so.

Therefore our revised constitution must include the protection of the environment, from the mountains to the seas, it's water, air, forests, wetlands, bush in order for New Zealanders and visitors to enjoy and care for our natural capital.

The natural biodiversity and health of our eco systems is of paramount importance as we depend on this not only economically, but for our own wellbeing and livelihood.

This must be spelt out in our constitution. Environmental legislation is not sufficient as it can be changed according to political party policies.

Submitted on the 30 July 2013 at 15:40

2521

From: Beryl
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 10:56 a.m.
Subject: CAP Submission

Sir

The Maori seats should in my opinion be abolished if we want New Zealand to be a united country
why should we have separate seats for one part of society and not others.
It is about time all members of the public have equal voting rights and responsibilities under New
Zealand law.

Beryl Fletcher

Paraparaumu

4250'

From: Judy Fletcher"
To: <constitutionalreview@justice.govt.nz>
Date: 30/07/2013 8:14 p.m.
Subject: CAP Submission

David & Judy Fletcher .
Emial.

I totally disagree with the maori party proposal to include the TOW in a written constitution for New Zealand.
Their has been no democratic referendum of the citizens of New Zealand demonstating for this to happen,and on that basis the proposal is democratically flawed.

3651

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 17/07/2013 7:17 a.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Karen Fletcher Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Postal Region: Auckland Postal Post Code: Postal Country: New Zealand Submission:
I would like NZ to be sustainable - hold on to and purchase more public assets. Encourage
sustainable practices eg electricity, composting toilets, minimise waste disposal.

I would like all government departments to publish simple income and expenditure graphs showing where money has come from and what it is spent on. Public can access more detail if required and vote (referendum style) on line for specific issues eg no free lunches at Bellamys etc.

Allow NZ private contractors to compete for tax paid contracts eg council, ird, housing corp, winz.

Submitted on the 17 July 2013 at 07:16

316

From:
To: <constitutionalreview@justice.govt.nz>
Date: 14/04/2013 3:52 p.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Robert Henry Fletcher Organisation Name: Home Email:
Phone: Postal AddressA: Postal AddressB
Postal City: Auckland Postal Region: Auckland Postal Post Code: Postal Country:
New Zealand Submission: 1. As a MULTICULTURAL population there should be no racial
preferential treatment of our citizens.

2. Fully review courts' system and in particular the need for juries. The latter I have found from
experience to be deeply flawed.

3. Technical cases heard in court need to be judged by experts in the field.

4. People choosing to live in New Zealand need to swear to uphold the laws of the country, accept NZ
way of life and that English is the language mainly spoken and to be learned for normal
communication.

5. Three-year term for government works and helps prevent outlandish ideas being foisted upon the
nation.

Sent on the 14 April 2013 at 15:51

1972'

Bay of Plenty,
June '10 2013

Constitutional advisory Panel,
c/- Ministry of Justice,
Wellington.

Dear Sirs,

I present my submission regarding the New Zealand constitutional review. I do not want any change to New Zealand's unwritten constitution, it has served all of us well since 1852 when this act was passed.

I cannot accept a race based constitution, we need equality for all, we are one people one nation. please leave the constitution as it is.

Yours sincerely

1.

✓

1

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Val Fluerty
Bulls
New Zealand

1118

From:
To: <constitutionalreview@justice.govt.nz>
Date: 6/06/2013 9:42 a.m.
Subject: <http://www.ourconstitution.org.nz/> form submission

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Anne Flutey Organisation Name: Email: Phone:
Postal AddressA: Postal AddressB: Postal City:
Wanganui Postal Region: Wellington Postal Post Code: Postal Country: New Zealand
Submission: 1. Any Constitution should take into account the diverse makeup of New Zealand in 2013. There is no place for separatism in a democratically constructed Constitution.

2. All Treaty of Waitangi claims should be cleared off by 31 December 2013 with no recourse to future claims.

3. Parliamentary terms should be Four (4) yearly to give time for implementation of policy.

4. Does NZ need a written Constitution ?. I think it would be admirable to have an overall founding document for NZ so long as it covered all facets of our multicultural country and included our existing laws. The problem would be to satisfy everyone. I am happy with a Monarchy rather than an elected President which appears from the American example to depend substantially on how much money one has.

5. Would a Constitution take precedence over existing Law? For example the Bill of Rights. The protection of property. How would the Public Works Act sit as much of NZ development involved the taking of land compulsorily and the payment of compensation.

6. I see no need for separate Maori representation in Parliament. Everyone has equal opportunities so far as education goes and can stand for any electoral seat if they so desire.

7. I do not like the MMP system as it has resulted in people in government who appear to be just "drones" and of no real necessity to the governing of the country.

8. Parliamentary membership - I think this country could well be governed by 120 members.

Conclusion : I think we are well served with the Monarchy.

Perhaps the reinstatement of a higher Court could be beneficial. I can see so many fish-hooks in setting up a Constitution that I think the effort and time may outweigh the result.....

Sent on the 6 June 2013 at 09:40

LG38²

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 31/07/2013 12:40 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Graham David Foggin Organisation Name: Email:
Phone: Postal AddressA: Postal AddressB:
Postal City: Postal Region: Northland Postal Post Code: Postal Country:
New Zealand Submission: Thank you for this opportunity to submit.

This constitutional review is an opportunity to place truly democratic principles in a written document that establishes;

1. One law for all New Zealanders.
2. A level playing field for future modification and amendments.
3. An end to racially driven government agenda such as we have now in everything from tax law to political representation so all New Zealanders are valued equally.
4. Real one person-one vote democracy.

To achieve this we need;

1. Tighten up the Bill of Rights as above.
2. Recognition of the Treaty of Waitangi as a important historical document in New Zealand's development but also recognition that it is ill-suited as a modern basis in law and place it where it belongs in history (in Te Papa) and not in it's current divisive role as a tool for Maori to beat other New Zealanders with. We need to recognise;
 - a. The treaty was needed to stop musket-wielding Maori from obliterating all other Maori and it gave the Crown power to do that and establish one law for all (as far as that went in those times).
 - b. It was never envisaged as a document that would be the basis of the country's future law as can be seen by the lack of detail in it and the fact that no two people can agree on what it actually means.
 - c. It should be removed from all current and future law in this country apart from the principle of living together in law.

3. Abolish the Maori Seats in Parliament

Maori is well represented in the House and with the Maori Seats is effectively over-represented. Maori influence on the development of this Country in recent years is disproportionately large and has in effect created racial based law which was never anyone intention in creating the seats.

They have served their purpose; Abolish Them.

4. End the Grievance Industry as soon as possible. It has proved to be an enormous gravy train for Maori and although most New Zealanders recognise that Maori has been ill-used mainly by Government over past years and deserves to be compensated the real flow of tax-payers money to Maori is excessive. It is also socially decisive. Finish it and get to one law for everyone to see it doesn't happen again.

5. When we voted for a proportional form of government we didn't vote for 120 politicians or the level of government that now burdens New Zealand. The recent release of figures showing Government spends 43% of GNP is a major wakeup call to change the culture in Government before we turn into a "Socialist Banana Republic". No sane country should have government spending this much of the productivity. Its a path to economic destruction.

Lets get Government back in proportion and out of the position of our biggest spending group. Start by reducing the size of the Parliamentary system and work down from there. We must be the most over-governed basicly democratic country in the world!

A lot to ask and my expectation of real change is slight given the weighted make-up of the review itself, it's public presentation, the consultation lists and the Maori Party involvement.

My other note is that what ever is decided here must be put a a national referendum and not slipped through by interested parties for their benefit without overall approval of ALL NEW ZEALANDERS.

Can we all just grow up and get on with making NZ the best place in the world to be.

Yours sincerely

Graham Foggin

Submitted on the 31 July 2013 at 12:40

2629'

From: "Tony Foley" >
To: <constitutionalreview@justice.govt.nz>
Date: 4/07/2013 9:48 p.m.
Subject: CAP Submission

ABOLISH them --- we must not support RACISM

5143

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:20 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Full Names: Sandy Fontwit Email: Postal City: Nelson
Postal Country: New Zealand Submission: 1) Maori should be represented in Parliament just like any other group. If Maori want to have the Maori point of view expressed (and it should be obvious that there is not ONE "Maori point of view" on every issue) then they need to start political parties

or join existing ones and elect representatives that will represent their views.

Land ownership based voting rights is long gone, every citizen and permanent resident can vote and express their opinion. No need for special Maori representation now, and its embarrassing to have this anachronism still operational in a modern democracy. Time

for Maori to get over being victims and live their lives as full and equal citizens under one law for all.

2) Do Maori themselves think they have a problem with Maori electoral participation??? If so, it can only be improved by Maori themselves getting over their sense of being victims, and joining in the process just like everyone else. There are no legal, social,

or any other external impediments to Maori getting involved in the political process: voting, starting political parties or lobby groups, joining existing parties, and generally "being political."

I suspect there are aspects of Maori culture itself that get in the way of greater electoral participation. Maybe Maori could start by taking a good look at their own culture first, and identify why they are not participating.

Its not up to the rest of the citizens or "the government" to facilitate greater Maori participation. This has to come from within the Maori themselves otherwise they will remain forever stuck in victim-hood and "poor me" states of collective immaturity.

3) See my answer to question 1). On the local level, its the same story. No special representation for Maori. There are all the usual avenues and opportunities for Maori, if they can get themselves organized as a group with one voice, to influence local government

just like any other special-interest group.

Submitted on the 13 June 2013 at 20:36

5143a

From: <webmaster@ourconstitution.org.nz>
To: <constitutionalreview@justice.govt.nz>
Date: 7/08/2013 4:20 p.m.

Sent from The Constitution Conversation #link:<http://www.ourconstitution.org.nz/>.

Phone: Postal AddressA: Postal City: Nelson Postal Post
Code: Postal Country: New Zealand Full Names: Sandy Fontwit Email:
Submission: The Treaty should NOT be considered the founding
document of New Zealand, and it should not be made part of a formal constitution. Doing the above
will only lead to a totally unworkable two-tier race-based system of law and government which has no
place

in New Zealand now or in the future. This is a country where all are equal before the law, NOT a
country where "some are more equal then others" (Animal Farm).

It is time the Maori got over being colonized and stopped endlessly playing the victim card.

Maori culture and language is neither better nor worse than European culture and language. It doesn't
deserve special treatment.

It is time for the whole "Treaty Industry" to die a natural death. The Treaty has served its purpose.
Financial redress and sincere apologies for past wrongs have been given; it is now time to move on.

If Maori as a group want to influence politics, laws, and popular culture, they are totally free to do so
on a level playing field just like any other group. They don't need special help or consideration.

Any New Zealand Constitution should be totally race neutral; one law for all.

Submitted on the 13 June 2013 at 19:58

Submission to the New Zealand Constitutional Advisory Panel 2013

As a supporter of Amnesty International, I write to add my voice in support of its submission to the current constitutional conversation.

I am concerned that all our human rights are not adequately protected in New Zealand law.

For example, our Bill of Rights Act 1990 only incorporates civil and political rights. Yet, it is widely recognised that human rights are interrelated, interdependent and indivisible; this means that one set of rights cannot be enjoyed in a meaningful way if the other set of rights is not also adequately protected and respected too.

I believe civil and political rights, such as the right to life, cannot truly be achieved without the equal right to work, accessible health care, adequate housing and education, which are enshrined in the concepts of economic, social and cultural rights.

Despite having ratified the International Covenant on Economic, Social and Cultural Rights in 1978, successive New Zealand Governments have failed to fulfill their obligations to respect, promote and fulfil these human rights.

While the Government says economic, social and cultural rights are currently protected by subject specific statutes, current issues involving these rights, such as child poverty, show that the current system is not working to adequately protect our rights. The maze of laws and policies around economic, social and cultural rights make it difficult for New Zealanders to understand and access their rights.

Without a clear framework to guide legislation and policy it also makes it difficult to see if laws policies are actually working to recognise New Zealanders rights. In addition many human rights in New Zealand lack avenues to remedies if they are breached, which limit New Zealanders' access to justice - an essential right of victims of all human rights violations.

I therefore submit the following recommendations:

- The incorporation of economic, social and cultural rights into the Bill of Rights Act 1990;
- The entrenchment of the Bill of Rights Act 1990 so that the weight and importance of these rights is adequately recognised;
- The explicit inclusion of the power for judges to provide remedies when the Bill of Rights Act is violated;
- That New Zealand ratify the Optional Protocol for International Covenant of Economic Social and Cultural Rights, including opting in to its inquiry and inter-state mechanisms, so that New Zealanders have access to an international remedy;
- The establishment of a Human Rights Select Committee to ensure that the impact of legislation on human rights is sufficiently considered;
- The requirement of all levels of Government to take a human rights approach to addressing human rights issues; and
- Increased human rights education initiatives to increase awareness of economic, social and cultural rights.

I believe these recommendations will provide for stronger protections within our constitutional framework for economic, social and cultural rights.

Taking these measures will ensure a strong legal framework in which all rights are equally protected. It will ensure that the Government can take a rights-based approach to addressing rights issues in New Zealand such as child poverty.

New Zealand has an obligation to take steps to progressively realise such rights as the rights to health, education, and adequate housing. Ensuring they are explicitly protected in New Zealand law is a significant step in ensuring that New Zealand is a place where human rights are protected, respected and fulfilled.

Laurie Foon
Wellington
New Zealand